MINNEAPOLIS CITY PLANNING DEPARTMENT REPORT

ZONING TEXT AMENDMENT ANALYSIS

Date: July 22, 2002

Initiator of Amendment: Council Member Schiff

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Subject Matter of the Ordinance: Amendment to Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, amending Chapter 520, Introductory Provisions, and Chapter 525, Administration and Enforcement, relating to the position and duties of the zoning administrator and the director of inspections.

Affected Sections of the Zoning Code: Section 520.160; section 525.90; section 525.95 (new section); section 525.110; section 525.540; section 525.550; section 525.560; section 525.570; section 525.580.

Background: The position of zoning administrator is defined in section 520.160 as "The director of the City of Minneapolis Inspections Department or his or her authorized representative". The powers and duties of the zoning administrator are outlined in section 525.90. In December 2001 the City Council directed in a budget footnote that the position, duties and authority of the zoning administrator be transferred from the Director of Inspections to the Planning Director. On June 7, 2002, Council Member Gary Schiff introduced the subject matter of this Text Amendment at the City Council. On June 11, the Zoning and Planning Committee referred it to the Planning Commission. The proposed amendments implement the transfer of the position and duties of the zoning administrator to the Planning Director, except for enforcement activities. Zoning enforcement is proposed to remain with the Director of Inspections.

Purpose of the Amendment: The amendment creates a single point of accountability for all zoning and planning approvals. This will aid the city in improving service to citizens seeking zoning and planning approvals for proposed development. The change is intended to clarify reporting lines related to zoning and planning activities by providing for a unified administrative function within the Planning Department. The amendment includes the following proposed changes:

> Section 520.160, *Definitions*, is amended by redefining the term *Zoning administrator* as the director of the Minneapolis City Planning Department or his or her authorized representative.

> Section 525.90, *Zoning administrator,* is amended by adding <u>planning director</u> and deleting ~~director of inspections~~, and by removing zoning enforcement activities from the duties of the zoning administrator.

Section 525.95, *Director of inspections,* is added as a new section that specifies that the director of inspections is responsible for zoning enforcement activities.

Section 525.110, B*oard of adjustment,* is amended by adding the authority to hear and decide appeals from an order or decision of the <u>director of inspections</u>.

Section 525.170, *Appeals of decisions of the zoning administrator,* is amended by adding <u>director of inspections</u> to the list of officials whose decisions may be appealed.

Section 525.540, *Complaints regarding violations,* is amended by adding <u>director of inspections</u> and deleting <s>zoning administrator</s>.

Section 525.550, *Procedures upon discovery of violations,* is amended by adding <u>director of inspections</u> and deleting <s>zoning administrator</s>, and by specifying the authority of the director of inspections to issue a stop-work order.

Section 525.560, *Conditional use permit and site plan review revocation,* is amended by adding <u>director of inspections</u> and deleting <s>zoning administrator</s>.

Section 525.570, *Fees for reinspection of property to determine abatement,* is amended by adding <u>director of inspections</u> and deleting <s>zoning administrator</s>.

Section 525.580, *Penalties and remedies for violations,* is amended by adding <u>director of inspections</u> and deleting <s>zoning administrator</s>.

What Problem is the Amendment Designed to Solve? The current administrative structure separates the duties and responsibilities of the zoning administrator (located within the Inspections Department) from those of the Planning Department. The Planning Department is charged with reviewing and making recommendations regarding most land use applications related to the zoning code, land subdivision and heritage preservation regulations. In some cases this separation has led to blurred lines of responsibilities and inconsistent procedures and practices between the two departments. This can affect the efficiency with which the city administers its regulations, and ultimately the timeliness and quality of customer service. The amendment is designed to address this problem by placing the position and duties of the zoning administrator, except for enforcement activities, within the Planning Department. It is believed that zoning enforcement should remain within the Inspections Department which currently is responsible for a variety of inspections and enforcement activities.

What Public Purpose will be Served by the Amendment? The amendment is intended to clarify reporting lines relating to zoning and planning activities and approvals, to increase administrative efficiencies, and to improve customer service.

What Problems Might the Amendment Create? No major problems are foreseen.

Is the Amendment Timely? The City Council has directed the change.

Is the Amendment Consistent with Practices in Other Areas? Placing the position and duties of the zoning administrator within the Planning Department is consistent with the approach taken by many cities throughout the country.

How will the Amendment Implement the Comprehensive Plan? The amendment implements the following policy of the city's comprehensive plan:

Policy 9.18.   Minneapolis will establish land use regulations in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

Recommendation of the City Planning Department: The City Planning Department recommends that the City Planning Commission recommend to the City Council that it adopt the above findings and **<u>approve</u>** the text amendment.